

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

BLANCA ELAINE MARTINEZ,

Plaintiff,

v.

Case No. 8:20-cv-1025-TPB-AEP

KILOLO KIJAKAZI,  
Acting Commissioner of Social  
Security,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court on consideration of the report and recommendation of Anthony E. Porcelli, United States Magistrate Judge, entered on August 23, 2021. (Doc. 25). Judge Porcelli recommends that decision of the Commissioner denying Plaintiff's claim for benefits be affirmed. Plaintiff filed an objection to the report and recommendation on September 3, 2021. (Doc. 27).

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district

court must “make a de novo determination of those portions of the [report and recommendation] to which an objection is made.” 28 U.S.C. § 636(b)(1)(C). When no objection is filed, a court reviews the report and recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir. 1982).

Upon due consideration of the record, including Judge Porcelli’s report and recommendation, in conjunction with an independent examination of the file, the Court adopts the report and recommendation in all respects. The Court agrees with Judge Porcelli’s detailed and well-reasoned factual findings and legal conclusions.


Accordingly, it is

**ORDERED, ADJUDGED, and DECREED:**

- (1) Judge Porcelli’s report and recommendation (Doc. 25) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) The Clerk is directed to enter final judgment in favor of the Commissioner and against Plaintiff and thereafter close the case.

**DONE** and **ORDERED** in Chambers, in Tampa, Florida, this 30th day of

September, 2021.



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**TOM BARBER**  
**UNITED STATES DISTRICT JUDGE**